

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES S. TATE, JR., M.D.,)	2:09-CV-01748-JAD-NJK
)	
Plaintiff,)	
)	
vs.)	
)	MINUTES OF THE COURT
UNIVERSITY MEDICAL CENTER)	
OF SOUTHERN NEVADA)	
)	
Defendant.)	DATED: <u>12/15/2016</u>

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: DANIELLE CACCIABAUDO REPORTER: FELICIA ZABIN

COUNSEL FOR PLAINTIFF(S): JACOB HAFTER, JOHN ALDRICH

COUNSEL FOR DEFENDANT(S): MATTHEW DUSHOFF, MICHAEL DAVIDSON, DAVID EDELBLUTE, ALSO SEATED AT COUNSEL TABLE: ANNE MARIE LANDIS (PARALEGAL), JAMES CONWAY, SUSAN PITZ (UMC REPRESENTATIVES), SHANE GODFREY

PROCEEDINGS: Jury Trial - Day 7

9:00 A.M. Court convenes outside the presence of the jury. The Court and counsel review proposed jury instructions.

10:30 A.M. Court stands at recess.

10:45 A.M. Court reconvenes outside the presence of the jury. Counsel advises the Court that the parties have stipulated to joint exhibit 1084. **Exhibit 1084 admitted into evidence.**

The Court hears arguments of counsel as to Plaintiff's Motion for Judgment [ECF 363]. For reasons stated on the record, the Court DENIES the motion for judgment [ECF 363].

Mr. Hafter makes an oral motion for the Court to reconsider the application of the law of this case. Mr. Dushoff responds. Court DENIES Mr. Hafter's objections.

The Court and counsel continue to review jury instructions.

12:08 P.M. Court stands at recess for the lunch break.

1:05 P.M. Court reconvenes in the presence of the jury. **CRAIG IWAMOTO**, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. Mr. Dushoff conducts

cross examination. Mr. Hafter conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

2:28 P.M. Jury is admonished and excused for the afternoon break. Court stands at recess.

2:42 P.M. Court reconvenes in the presence of the jury. **STAN SMITH**, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Aldrich.

3:00 P.M. Jury is admonished and excused. Court addresses counsel's objections to testimony outside the presence of the jury. The Court rules on those objections.

3:10 P.M. The jury reenters the courtroom. Mr. Dushoff conducts cross examination. Mr. Aldrich conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

Plaintiff rests their case-in-chief.

3:50 P.M. Jury is admonished and excused for the evening.

The Court and counsel confer about defendant's potential witnesses and related objections. Discussion continues on proposed jury instructions.

5:05 P.M. Court adjourns.

Jury Trial continued to Friday, December 16, 2016 at 9:00 A.M. in Courtroom 6D before Judge Jennifer A. Dorsey.

LANCE S. WILSON, CLERK
United States District Court
By: /s/
Danielle Cacciabauda, Deputy Clerk